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4 Attorneys for Defendants, IRWIN INDUSTRIAL TOOL COMPANY, INC. and  
5 HOME DEPOT, INC.

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7  
8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10

11	ANDREW SHALABY, an individual, )	CASE NO. C 06 7026 EDL
12	and SONIA DUNN-RUIZ, an )	Magistrate Judge Elizabeth D.
12	individual, )	LaPorte
13	Plaintiffs, )	
14	v. )	STIPULATION AND ORDER
15	IRWIN INDUSTRIAL TOOL COMPANY, )	
16	INC., THE HOME DEPOT, INC., )	
16	and DOES 2 through 100, )	
17	inclusive, )	
17	Defendants. )	
18	_____ )	

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23 IT IS HEREBY STIPULATED and agreed, by and between counsel  
24 for Plaintiffs (Andrew Shalaby and Sonia Dunn-Ruiz), counsel for  
25 Defendants and Third Party Plaintiff (The Home Depot, Inc. and  
26 Bernzomatic), and counsel for Third Party Defendant (Western  
27 Industries, Inc.), as follows:

28 / / /

1           1.     WHEREAS, Western Industries, Inc. made an initial  
2 appearance in this case on July 16, 2007 by filing a motion to  
3 strike Bernzomatic's third party complaint; and

4  
5           2.     WHEREAS, Worthington Cylinder Corporation has been named  
6 and served with the third party complaint, but does not anticipate  
7 making a formal appearance in the action until on or about  
8 July 31, 2007; and

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10          3.     WHEREAS, the Court has previously ordered the parties to  
11 complete mediation on or before July 25, 2007; and

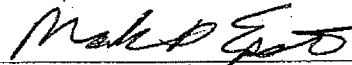
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13          4.     WHEREAS, counsel for all present and anticipated parties  
14 to this litigation concur that a meaningful mediation cannot be  
15 completed until both third party defendants have appeared in the  
16 action and completed sufficient investigation and discovery to  
17 effectively discuss the disposition of this case through  
18 mediation;

19  
20          IT IS HEREBY STIPULATED AND AGREED, by and between the  
21 existing parties to this litigation, that the mediation completion  
22 date should be postponed and continued to a date suitable to the  
23 Court's calendar on or about October 26, 2007, that all parties  
24 respectfully request the Court to enter an order in conformance  
25 with this Stipulation, and that all parties respectfully request  
26 that the Court schedule a case management conference at the  
27 Court's convenience within the next 45 days where the parties can  
28 advise the Court of the status of the case and discuss the

rescheduling of discovery cut-offs, motion cut-offs, trial dates,  
etc.

DATED: July 17, 2007

ALBORG, VEILUVA & EPSTEIN LLP

  
Mark D. Epstein  
Attorneys for Plaintiffs  
ANDREW SHALABY and SONIA DUNN-RUIZ

DATED: July , 2007

MCCORMICK, BARSTOW SHEPPARD, ET AL.

Lowell Carruth  
Attorneys for Third Party Defendant  
WESTERN INDUSTRIES, INC.

DATED: July , 2007

KELLER, PRICE & MOORHEAD

J. Phillip Moorhead  
Attorneys for Defendants and Third  
Party Plaintiff  
HOME DEPOT, INC. and BERNZOMATIC

ORDER

GOOD CAUSE APPEARING THEREFOR, it is hereby ordered that the  
mediation completion date in this case is postponed and continued  
to October 26, 2007, and that the Court will notify all parties of  
a case management conference within the next 45 days.

DATED:

Elizabeth D. LaPorte  
Magistrate Judge

1 rescheduling of discovery cut-offs, motion cut-offs, trial dates,  
2 etc.

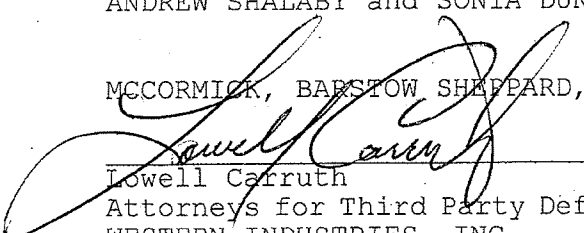
3 DATED: July , 2007

ALBORG, VEILUVA & EPSTEIN LLP

4  
5 Mark D. Epstein  
Attorneys for Plaintiffs  
6 ANDREW SHALABY and SONIA DUNN-RUIZ

7 DATED: July 18, 2007

MCCORMICK, BARSTOW SHEPPARD, ET AL.

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9   
Lowell Carruth  
Attorneys for Third Party Defendant  
10 WESTERN INDUSTRIES, INC.

11 DATED: July , 2007

KELLER, PRICE & MOORHEAD

12  
13 J. Phillip Moorhead  
Attorneys for Defendants and Third  
14 Party Plaintiff  
HOME DEPOT, INC. and BERNZOMATIC

15  
16 ORDER

17 GOOD CAUSE APPEARING THEREFOR, it is hereby ordered that the  
18 mediation completion date in this case is postponed and continued  
19 to October 26, 2007, and that the Court will notify all parties of  
20 a case management conference within the next 45 days.

21  
22 DATED:

23 Elizabeth D. LaPorte  
Magistrate Judge  
24  
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26  
27  
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rescheduling of discovery cut-offs, motion cut-offs, trial dates,  
etc.

DATED: July , 2007

ALBORG, VEILUVA & EPSTEIN LLP

Mark D. Epstein  
Attorneys for Plaintiffs  
ANDREW SHALABY and SONIA DUNN-RUIZ

DATED: July , 2007

MCCORMICK, BARSTOW SHEPPARD, ET AL.

Lowell Carruth  
Attorneys for Third Party Defendant  
WESTERN INDUSTRIES, INC.

DATED: July 17 , 2007

KELLER, PRICE & MOORHEAD

J. Phillip Moorhead  
Attorneys for Defendants and Third  
Party Plaintiff  
HOME DEPOT, INC. and BERNZOMATIC

ORDER

GOOD CAUSE APPEARING THEREFOR, it is hereby ordered that the  
mediation completion date in this case is postponed and continued  
to October 26, 2007, and that the Court will ~~notify all parties of~~ **hold a case management conference**  
**on September 11, 2007 at 3:00 p.m. An updated joint case management conference statement shall**  
~~a case management conference within the next 45 days.~~  
**be filed no later than September 4, 2007.**

DATED: July 23, 2007

Elizabeth D. LaPorte  
Magistrate Judge

